



# Nevada State Board of Medical Examiners

## **\* \* \* M I N U T E S \* \* \***

### **OPEN SESSION BOARD MEETING**

Conference Room at the Offices of the  
**NEVADA STATE BOARD OF MEDICAL EXAMINERS**  
1105 Terminal Way, Suite 301  
Reno, Nevada 89502

***SATURDAY, JUNE 3, 2000***

#### **MEMBERS PRESENT:**

Arne D. Rosencrantz, President  
Susan S. Buchwald, M.D., Vice President (arrived at 10:00  
am)  
Paul A. Stewart, M.D., Secretary-Treasurer  
Dipak K. Desai, M.D.  
Jaculine C. Jones, Ed.D.  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.

#### **MEMBER ABSENT:**

Cheryl A. Hug-English, M.D.

#### **STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Robert A. Frantz, Financial Manager  
Vicki L. Knopf, Chief Investigator  
Rebecca A. Gaul-Richard, Senior License Specialist

#### **ALSO PRESENT:**

Brian T. Kunzi, J.D., Assistant Chief Deputy Attorney  
General  
Susan M. Morgan, P.A.-C, Representative, Physician  
Assistant Advisory Committee to the Board  
Patricia A. Beatty, Assistant Vice President/Editor,  
Communications and Education, Federation of State  
Medical Boards of the United States, Inc.  
Alan E. Shumacher, M.D., Past President, Federation of  
State Medical Boards of the United States, Inc.

## AGENDA ITEM 1

### Call to Order - Arne D. Rosencrantz, President

- Announcement of Appointment of Larry D. Lessly, J.D., Executive Director to Joint FSMB-NBME Score Validity Committee for USMLE and SPEX
- Announcement of Certification by FSMB of Larry D. Lessly, J.D., Executive Director as "Certified Medical Board Executive"

The meeting was called to order by Arne D. Rosencrantz, President, at 8:45 a.m.

Mr. Rosencrantz introduced Patricia A. Beatty, Assistant Vice President/Editor, Communications and Education, Federation of State Medical Boards of the United States, Inc. (FSMB) and Alan E. Shumacher, M.D., Past President, FSMB.

### **- Announcement of Appointment of Larry D. Lessly, J.D., Executive Director to Joint FSMB- NBME Score Validity Committee for USMLE and SPEX**

Mr. Rosencrantz announced the appointment and congratulated Mr. Lessly. Mr. Lessly informed members of the function of the Score Validity Committee for USMLE and SPEX.

### **- Announcement of Certification by FSMB of Larry D. Lessly, J.D., Executive Director as "Certified Medical Board Executive"**

Mr. Rosencrantz asked Ms. Beatty to speak on the certification offered by the FSMB for executives of medical boards. Ms. Beatty spoke on the criteria required for earning and congratulated Mr. Lessly for having achieved the FSMB's Medical Board Executive Certification and being a member of the Charter Group of eight board executives so designated by the FSMB..

## AGENDA ITEM 2

### Approval of Minutes

- February 26, 2000 Board Meeting - Open/Executive Sessions
- March 15, 2000 Telephone Conference Call Board Meeting - Open Session
- April 28, 2000 Telephone Conference Call Board Meeting - Open Session
- May 4, 2000 Telephone Conference Call Board Meeting - Open Session

Dr. Stewart moved to accept the minutes of the February 26, 2000 Board Meeting - Open/Executive Sessions, March 15, 2000 Telephone Conference Call Board Meeting - Open Session, April 28, 2000 Telephone Conference Call Board Meeting - Open Session, and May 4, 2000 Telephone Conference Call Board Meeting - Open Session. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 3**  
**Personnel**

**Executive Session to Discuss Professional Competency of:**

- Staff
- Executive Director/Special Counsel
- General Counsel
- Nevada Health Professionals Assistance Foundation Personnel

Dr. Desai moved to go into Executive Session to discuss the professional competency of the staff, Executive Director/Special Counsel, General Counsel, and Nevada Health Professionals Assistance Foundation Personnel. Dr. Stewart seconded the motion, and it passed unanimously.

**Open Session to Set Salaries for Fiscal Year 2000-2001 for:**

- Staff
- Executive Director/Special Counsel
- General Counsel

Dr. Buchwald distributed salary proposals of the Internal Affairs Committee for the Executive Director/Special Counsel and General Counsel, and of the Internal Affairs Committee and Executive Director for staff, and moved to approve the proposed salaries for staff, Executive Director/Special Counsel, and General Counsel for fiscal year 2000-2001. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to increase the Secretary-Treasurer's salary from \$6,000.00 to \$12,000.00 per the recommendation of the Internal Affairs Committee. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 4**  
**Presentations by Federation of State Medical Boards of the United States, Inc.**

- *"Activities of the Federation"*: Patricia A. Beatty, Assistant Vice President/Editor, Communications and Education
- *"Disciplining of Licensees"*: Alan E. Shumacher, M.D., Past President

Mr. Rosencrantz again introduced Ms. Beatty, who thanked the board for the warm welcome and gave a presentation on the activities of the FSMB.

Mr. Rosencrantz again introduced Dr. Shumacher, who gave a presentation on the disciplining of physicians. He stressed the importance of consistency in the disciplining of physicians and reminded that physicians must be held to a higher standard. He thanked the board for inviting him to speak.

## AGENDA ITEM 5

### Legislative Matters

- Appearance by Advanced Nurse Practitioner Representative to Obtain Board's Position on Proposed Legislation to Allow Advanced Nurse Practitioners to Prescribe Controlled Substances
  - Appearance by Joel F. Bower, M.D., Re: Request for Consideration of Legislation to Allow Limited Practice by Retired Physicians
  - Report on Proposed Legislation by Nevada State Board of Homeopathic Examiners - Richard J. Legarza, J.D., General Counsel
  - Consideration of Proposed Board Bill Request for 2001 Legislative Session
- Consideration of Proposed Board Bill Request for 2001 Legislative Session**

Mr. Lessly reviewed the items staff have assembled for consideration of inclusion in a board bill request for the 2001 legislative session. He indicated that the items are not necessarily being recommended by staff, but represent current changes to the Federation of State Medical Boards of the United States, Inc.'s model practice act, together with other proposals recommended by the Federation and being considered and/or enacted by other state medical licensing boards. Robert R. Barengo, J.D., Legislative Counsel to the board, gave a brief historical background on the board's statutes and advised that should the board decide to submit a bill for this legislative session, the bill would need to be submitted as soon as possible, as the time for bill submission has arrived.

Discussion ensued, and after consideration and discussion, Dr. Buchwald moved to table this agenda item until a special meeting of the board to consider and act upon this item can be arranged by staff, which meeting is to be scheduled for sometime during the latter part of June 2000. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Desai left the meeting at 12:00 p.m.

**- Appearance by Joel F. Bower, M.D., Re: Request for Consideration of Legislation to Allow Limited Practice by Retired Physicians**

Joel F. Bower, M.D. appeared before the board and presented his proposal for the board to consider issuing volunteer medical licenses to retired physicians meeting all of the Nevada requirements for licensure to practice in underserved areas and/or for impoverished persons. He proposed that there would be no application or registration fee for the volunteer license, as volunteer licensees would receive no compensation for their work. He added that Missouri, South Carolina, Ohio, Pennsylvania and New Jersey offer volunteer medical licensure.

Mr. Rosencrantz directed that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000 for consideration and action.

**- Appearance by Advanced Nurse Practitioner Representative to Obtain Board's Position on Proposed Legislation to Allow Advanced Nurse Practitioners to Prescribe Controlled Substances**

Janet Haw, A.P.N. appeared before the board and spoke on the historical background which has led to advanced practitioners of nursing seeking approval at the 2001 legislative session for the authority to prescribe controlled substances.

Donna Dominguez, A.P.N., representing the Nurse Practitioners Legislative Committee, also appeared and advised of a number of entities in Nevada who are supporting the advanced practitioners of nursing in their efforts to seek controlled substances prescribing authority and asked the board for its support of their endeavor.

Mr. Rosencrantz directed that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000 for consideration and action.

**RECESS**

The meeting recessed for lunch at 12:45 p.m. and reconvened at 1:00 p.m. Ms. Beatty and Dr. Shumacher left the meeting.

**AGENDA ITEM 5**

**Legislative Matters (CONTINUED)**

- Appearance by Advanced Nurse Practitioner Representative to Obtain Board's Position on Proposed Legislation to Allow Advanced Nurse Practitioners to Prescribe Controlled Substances
- Appearance by Joel F. Bower, M.D., Re: Request for Consideration of Legislation to Allow Limited Practice by Retired Physicians
- Report on Proposed Legislation by Nevada State Board of Homeopathic Examiners - Richard J. Legarza, J.D., General Counsel
- Consideration of Proposed Board Bill Request for 2001 Legislative Session
  
- **Report on Proposed Legislation by Nevada State Board of Homeopathic Examiners - Richard J. Legarza, J.D., General Counsel**

Mr. Legarza reported that he, Dr. Buchwald and Mr. Barengo attended the Nevada State Board of Homeopathic Examiners' workshop on proposed regulations on April 29, 2000. He described the content of the proposed regulations and advised that as of May 18, 2000, the proposed regulations still include the authority for homeopathic physicians to prescribe controlled substances for intractable pain. Mr. Barengo advised that the homeopathic board is well on its course to adopting its proposed regulations.

It was the consensus of the board that the proposed regulations are beyond the scope of homeopathic practice and fall under the category of the practice of allopathic medicine. Mr. Legarza advised that the board can submit a written objection. Mr. Lessly added that the board should authorize Mr. Legarza to determine if the board can or should

consider

filing an appropriate legal action against the homeopathic board if the final regulations exceed the scope of the authority of the Nevada State Board of Homeopathic Examiners and scope of practice of homeopathy.

Dr. Baepler moved to direct Mr. Legarza to proceed with filing a written objection from the board to the Nevada State Board of Homeopathic Examiners' proposed regulations and should the regulations pass, to determine if legal action against the Nevada State Board of Homeopathic Examiners for exceeding the scope of the practice of homeopathy by regulation is appropriate. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 10

##### Reports

- Report on Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting -  
Arne D. Rosencrantz, President and Delegate
  - Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
    - Consideration of Continuation, Modification or Termination of Contract with Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - Susan M. Morgan, P.A.-C, Committee Representative
  - Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel N. Lubritz, M.D., Board Representatives to Task Force
- Physician Assistant Advisory Committee - Susan M. Morgan, P.A.-C, Committee Representative**

Ms. Morgan reported that Assemblyman Joseph E. Dini, Speaker of the Assembly, has agreed to sponsor a bill which would add physician assistants to the list in the Nurse Practice Act of those health care practitioners from whom nurses are authorized to take orders. She asked whether the board would support such a bill.

Mr. Rosencrantz directed that this matter be placed on the agenda of a future board meeting for consideration and action.

#### AGENDA ITEM 11

##### Acceptance of Applications for Licensure - Appearances

##### 11 (c) Ronald Carroll, M.D.

Mr. Lessly advised that Ronald Carroll, M.D. withdrew his application for licensure prior to today's meeting.

Dr. Jones moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Buchwald, and it passed unanimously.

### **Executive Session**

#### **11 (a) Fred Brenner, M.D.**

Upon returning to Open Session, Dr. Lubritz moved to accept Fred Brenner, M.D.'s application for licensure. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed unanimously.

#### **11 (b) Linda Brown, M.D.**

Upon returning to Open Session, Dr. Titus moved to accept Linda Brown, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

#### **11 (d) Robert Chancellor, M.D.**

Upon returning to Open Session, Dr. Baepler moved to deny Robert Chancellor, M.D.'s application for licensure per NRS 630.358(2)(b), as under all the circumstances the time of the application is not reasonable. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed unanimously.

#### **11 (e) Michael Fishell, M.D.**

Upon returning to Open Session, Dr. Baepler moved to accept Michael Fishell, M.D.'s application for licensure. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.



**AGENDA ITEM 12**

**Approval of Change of Licensure Status from Inactive to Active - Appearance**

- Paul Rork, M.D.

Dr. Jones moved to go into Executive Session to discuss the character and professional competence of an applicant for change of licensure status from inactive to active. The motion was seconded by Dr. Buchwald, and it passed unanimously.

**Executive Session**

Upon returning to Open Session, Dr. Buchwald moved to accept Paul Rork, M.D.'s application for change of licensure status from inactive to active. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 13**

**Acceptance of Application for Licensure - Non-Appearance**

- Shane Sheibani, M.D.

Dr. Buchwald moved to deny Shane Sheibani, M.D.'s application for licensure per NRS 160(2)(d), as he has not completed the required three years of accredited postgraduate training. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 14**

**Approval of Changes of Licensure Status from Inactive to Active - Non-Appearances**

14 (f) Sean Barlow, M.D.

14 (g) Murray Berger, M.D.

14 (h) William Capiello, M.D.

14 (i) Ronald Gemberling, M.D.

14 (j) Kee Lee, M.D.

14 (k) Brooks Martin, M.D.

14 (l) Deane Stites, M.D.

Dr. Baepler moved to accept the applications for change of licensure status from inactive to active of all applicants under this agenda item. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 15

##### Approval of Reinstatement of Licensure Status to Inactive - Non-Appearence

- William Granger, M.D.

Dr. Baepler moved to approve William Granger, M.D.'s application for reinstatement of licensure status to inactive. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Ms. Morgan left the meeting at 3:45 p.m.

#### AGENDA ITEM 16

##### Ratification of Licenses Issued Since the February 2000 Board Meeting

Dr. Baepler moved to ratify the licenses issued since the February 2000 board meeting. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 8

##### Legal Reports - Richard J. Legarza, J.D., General Counsel

- Brian T. Kunzi, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status Report
- Final Approval of Regulations Regarding Pain Management
- Consideration of Proposed New Regulations Regarding Practice of Integrative and Complementary Medicine and Licensing of Physician Assistants
- Board Litigation Status Reports

##### **- Board Ordered Terms, Conditions and Probation Status Report**

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance, except Chad R. Niles, M.D., who has not paid his fees or completed his community service per Order of the board.

Discussion ensued, with Dr. Lubritz moving to direct Mr. Legarza to send a letter to Chad R. Niles, M.D., with a copy to the Texas State Board of Medical Examiners, advising that as of this date Dr. Niles has failed to comply with the board's Order. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 17

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Nir Y. Lorant, M.D., Case No. 99-12175-1

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Cheryl A. Hug-English, M.D.; Donald H. Baepler, Ph.D., D.Sc.; and Robin L. Titus, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Nir Y. Lorant, M.D., Case No. 99-12175-1, except Cheryl A. Hug-English, M.D., who was absent from the meeting.

Mr. Rosencrantz stated that this matter was previously adjudicated by the board, with the board finding Dr. Lorant guilty of the two counts in the Complaint and ordering that his license to practice medicine in Nevada be revoked. He stated that Dr. Lorant filed a petition for judicial review of the matter, and the District Court judge remanded the case back to the board to request that the hearing officer make a determination and recommendation on credibility of witnesses.

Mr. Rosencrantz advised that under the court's order, after receipt and review by the adjudicating members of the ordered Findings, Conclusions and Impressions of the Hearing Officer on Credibility of Witnesses, that the matter must now be re-adjudicated.

Mr. Kunzi advised that a letter was received via facsimile machine on June 1, 2000 from Dr. Lorant's attorney requesting that this adjudication be delayed. He added that another letter was received dated May 30, 2000 from the same attorney in which an attempt to introduce new evidence in the matter was made. Mr. Kunzi advised that the adjudicating members are not required to consider these letters in their deliberation of the matter, but that they will be made part of the record and are to be given whatever weight the adjudicating members deem appropriate.

Dr. Buchwald moved to go into Executive Session to deliberate on the counts of the complaint. Dr. Baepler seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Buchwald stated for the record that having read the Findings, Conclusions and Impressions of the Hearing Officer on Credibility of Witnesses in the matter, she feels Dr. Lorant to be the only non-credible witness.

Dr. Baepler moved to find Nir Y. Lorant, M.D. guilty of count one of the Complaint, attempting to obtain a license to practice medicine in the state of Nevada by fraud, misrepresentation, or incomplete statement, a violation of NRS 630.304(1). Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to find Nir Y. Lorant, M.D. guilty of count two of the Complaint, engaging in conduct intended to deceive, a violation of NRS 630.3062(2)(a). Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Stewart seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Buchwald moved to revoke the license to practice medicine in the state of Nevada of Nir Y. Lorant, M.D. Dr. Baepler seconded the motion, and it passed, with Dr. Stewart voting against the motion, and the Chair voting in favor of the motion.

#### AGENDA ITEM 18

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Glen Jayendra A. Shah, M.D., Case No. 00-4488-1

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Dipak K. Desai, M.D.; Jaculine C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; Joel N. Lubritz, M.D.; and Robin L. Titus, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Jayendra A. Shah, M.D., Case No. 00-4488-1, except Cheryl A. Hug-English, M.D., who was absent from the meeting, and Dipak K. Desai, M.D. who left the meeting at 12:00p.m.

The adjudicating members deliberated on the single count of the Complaint.

Dr. Jones moved to find Jayendra A. Shah, M.D. guilty of the single count of the Complaint, a violation of NRS 630.301(3), having his license modified and limited by another state. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter.

Dr. Lubritz moved to revoke the license to practice medicine in the state of Nevada of Jayendra A. Shah, M.D. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 19**

**Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. William M. Vinson, M.D., Case No. 00-7777-1**

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Dipak K. Desai, M.D.; Jaculine C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; Joel N. Lubritz, M.D.; and Robin L. Titus, M.D.

Mr. Rosencrantz confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. William M. Vinson, M.D., Case No. 00-7777-1, except Cheryl A. Hug-English, M.D., who was absent from the meeting, and Dipak K. Desai, M.D. who left the meeting at 12:00p.m.

The adjudicating members deliberated on the single count of the Complaint.

Dr. Lubritz moved to find William M. Vinson, M.D. guilty of the single count of the Complaint, a violation of NRS 630.301(3), having his license to practice medicine suspended by another state. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter.

Dr. Lubritz moved to revoke the license to practice medicine in the state of Nevada of William M. Vinson, M.D. Dr. Jones seconded the motion, and it passed unanimously, with Dr. Titus voting against the motion, and the Chair voting in favor of the motion.

**AGENDA ITEM 20**

**Consideration of Acceptance of Voluntary Surrender of License While Under Investigation of Brian E. Spencer, P.A.-C, License No. 603**

**Adjudicating Board Members:** Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Dipak K. Desai, M.D.; Jaculine C. Jones, Ed.D.; Cheryl A. Hug-English, M.D.; Joel N. Lubritz, M.D.; Donald H. Baepler, Ph.D., D.Sc.; and Robin L. Titus, M.D.

Mr. Rosencrantz confirmed that all board members were present and prepared to consider accepting the voluntary surrender of license while under investigation of Brian E. Spencer, P.A.-C, License No. 603, except Cheryl A. Hug-English, M.D., who was absent from the meeting, and Dipak K. Desai, M.D. who left the meeting at 12:00p.m.

Dr. Lubritz moved to accept the voluntary surrender of license while under investigation of Brian E. Spencer, P.A.-C, License No. 603. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Secretary-Treasurer's Report - Paul A. Stewart, M.D., Secretary-Treasurer  
- Robert A. Frantz, Financial Manager

- Approval of Budget Submission for Fiscal Years 2001-2002 and 2002-2003

Mr. Frantz distributed copies of the board's proposed 2001-2002 and 2002-2003 budget submission, and the board's balance sheet as of June 1, 2000 and expenses for July 1999 through June 2000. Mr. Frantz spoke on the board's balance sheet and expenses. Dr. Stewart reviewed the proposed budget submission for the board.

Discussion ensued, with Dr. Baepler moving to approve the proposed budget as submitted by Dr. Stewart and Mr. Frantz for fiscal years 2001-2002 and 2002-2003 for submission to the state budget office. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 7

Investigative Committee Report - Paul A. Stewart, M.D., Secretary-Treasurer, Chair

- Request for Closure of Cases

Dr. Stewart reported that at its meeting yesterday, June 2, 2000, the Investigative Committee filed formal complaints against four licensees of the board. He distributed the cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

AGENDA ITEM 10

Reports (CONTINUED)

- Report on Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting -  
Arne D. Rosencrantz, President and Delegate
- Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
  - Consideration of Continuation, Modification or Termination of Contract with Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Susan M. Morgan, P.A.-C, Committee Representative
- Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel N. Lubritz, M.D., Board Representatives to Task Force
- **Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson**
  - **Consideration of Continuation, Modification or Termination of Contract with Nevada Health Professionals Assistance Foundation**

Discussion concerning this matter occurred under Agenda Item 3 of this meeting's agenda.

Dr. Buchwald moved to direct Mr. Legarza to draft and serve a 30-day notice of intent for contract termination on the Nevada Health Professionals Assistance Foundation to terminate the Diversion Program contract, with the board President to approve withdrawal of the notice should all issues be resolved with the personnel of the foundation as discussed in Executive Session under Agenda Item 3 of this meeting's agenda. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 8** (CONTINUED)

**Legal Reports** - Richard J. Legarza, J.D., General Counsel

- Brian T. Kunzi, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status Report
- Final Approval of Regulations Regarding Pain Management
- Consideration of Proposed New Regulations Regarding Practice of Integrative and Complementary Medicine and Licensing of Physician Assistants
- Board Litigation Status Reports

**- Final Approval of Regulations Regarding Pain Management**

Mr. Legarza referred members to the final draft of the regulations in the agenda book and reviewed the final changes made by the Legislative Counsel Bureau. He read a letter received today at the board office from Weldon E. Havins, M.D., in which Dr. Havins requests the board's consideration in adopting a regulation in which the board President would act upon the regulations within a 60-day time frame from whenever the Federation of State Medical Boards of the United States, Inc. makes a change to its "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain." After some discussion, it was the consensus of the board that the full board, not just the President, should act upon such changes if the Legislative Counsel Bureau would approve such language.

Dr. Baepler moved to adopt the new regulations adopting by reference the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain" of the Federation of State Medical Boards of the United States, Inc. with the change in wording to require the full board to act upon future changes in the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain." Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Consideration of Proposed New Regulations Regarding Practice of Integrative and Complementary Medicine and Licensing of Physician Assistants**

Dr. Titus moved that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000 for consideration and action. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Board Litigation Status Reports**

Mr. Legarza reported that in William O. Murray, M.D.'s appeal of the board's revocation of his license to practice medicine in Nevada, the District Court judge has not yet determined whether oral argument requested in the most recent brief of the petitioner will be allowed.

Mr. Kunzi reported that:

- 1) ... discovery has begun, with depositions being taken in preparation for a motion for summary judgment to be made in the Alan J. Mishler, M.D. civil rights case against the board;
- 2) ... in the appeal of the petition for judicial review filed by David B. Cohen, M.D., the opposing brief in the matter was filed on behalf of the board, and the matter is still pending; and
- 3) ... the Nevada Supreme Court upheld the board's decision in the matter of Harriston L. Bass, M.D.'s appeal of the board's disciplinary order against him.

Dr. Buchwald moved to direct Mr. Kunzi to file a request with the Nevada Supreme Court to publish as a formal Decision the Nevada Supreme Court's decision in the Harriston L. Bass, M.D. appeal. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 7** (CONTINUED)

**Investigative Committee Report** - Paul A. Stewart, M.D., Secretary-Treasurer, Chair

**- Request for Closure of Cases**

Dr. Lubritz moved to approve the cases recommended for closure by the Investigative Committee. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**AGENDA ITEM 9**

**Executive Director's Report** - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director
- Change in American Medical Association Category I Continuing Medical Education
- Board's Disciplinary Statistics as Reported by the Federation of State Medical Boards of the United States, Inc.
- Consideration of Change in Board Regulations or Approval of Forms for Re-Licensure of Resident Licensees
- Consideration of Deletion of Requirement for Synopsis from Hearing Officer in Disciplinary Cases or Inclusion of Requirement in NAC 630.470
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for the Third Quarter of Year 2000
- Consideration of Request for Position Statement by the American Association of Electrodiagnostic Medicine



- Consideration of Change in Board Staff Performance Evaluation Instruments
- Consideration of Authorization for Board Executive Director or Deputy Executive Director to:
  - Extend Licensure for Alien Licensees Awaiting United States Immigration and Naturalization Service Employment Authorization Extension, Alien Registration Card Extension, or H1-B Visa Extension Under Specific Circumstances
  - Administratively Approve Reinstatements and Changes of Licensure Status with Approval of Secretary-Treasurer
- Consideration of Proposed Enhancements to Board's Web Site – [www.state.nv.us/medical/](http://www.state.nv.us/medical/)
- Written Reports and Requests - Member and Staff Attendance at Workshops, Meetings and/or Training Sessions
- Informational Items
- **Change in American Medical Association Category I Continuing Medical Education**

Mr. Lessly referred members to the information in the agenda book concerning this matter. By consensus of the board, the newly accredited types of Category I continuing medical education as described in the American Medical Association's correspondence were accepted and no change in statute or regulation was deemed necessary.

- **Board's Disciplinary Statistics as Reported by the Federation of State Medical Boards of the United States, Inc.**

Mr. Lessly referred members to the board's 1999 disciplinary statistical information as reported by the Federation of State Medical Boards of the United States, Inc., stating that the information was self-explanatory.

- **Consideration of Change in Board Regulations or Approval of Forms for Re-Licensure of Resident Licensees**

Mr. Lessly requested that this matter will be placed on a future board meeting agenda for consideration and action, and the President so directed.

- **Consideration of Deletion of Requirement for Synopsis from Hearing Officer in Disciplinary Cases or Inclusion of Requirement in NAC 630.470**

Mr. Lessly recommended that should the board desire to continue its policy of requiring a synopsis from the hearing office in disciplinary cases, that the requirement should be included in NAC 630.470 as a regulation of the board, or it should be deleted if the board desires.

Discussion ensued, with the board directing Mr. Legarza to draft into regulation the requirement of a synopsis from the hearing officer in disciplinary cases. Mr. Rosencrantz directed that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000 for consideration and action.

**- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for the Third Quarter of Year 2000**

Mr. Rosencrantz stated that the statistics from the previous quarter indicate an improvement in the air time of the board's public service announcements as contracted with the Nevada Broadcaster's Association; however, he feels that the board may want to stop airing its public service announcements during the summer months when television viewing is down.

Discussion ensued, with Dr. Stewart moving to withdraw the board's public service announcements during the third quarter of 2000.

Further discussion ensued, with Mr. Rosencrantz suggesting Dr. Stewart add to his motion that a committee consisting of Mr. Rosencrantz, Dr. Lubritz and Mr. Lessly as members be formed to consider the future of the board's public service announcement program and to bring its findings to the board's August 2000 meeting for consideration and action. Dr. Stewart added this provision to his motion. Dr. Lubritz seconded the motion, and it passed, with Dr. Buchwald voting against the motion, and the Chair voting in favor of the motion.

Dr. Lubritz suggested that the board's receptionist take a survey during the last two weeks of June and the first two weeks of September of all those calling the board office to receive information about their physicians to determine by what source they learned that the board offers such information. Mr. Lessly stated that the survey would be conducted and the results reported back to the board.

**- Consideration of Request for Position Statement by the American Association of Electrodiagnostic Medicine**

Dr. Buchwald moved that the board advise the American Association of Electrodiagnostic Medicine that the position of the board is that the practice of electrodiagnostic medicine, specifically electromyography (EMG), is the practice of medicine in the state of Nevada. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Consideration of Change in Board Staff Performance Evaluation Instruments**

Mr. Lessly requested an evaluation of staff performance evaluation instruments, and Dr. Lubritz moved to direct the Internal Affairs Committee, along with Dr. Baepler and Mr. Lessly, to review the board's staff performance evaluation instruments and make a recommendation to the board for change or deletion prior to the next annual staff performance evaluation period. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Consideration of Authorization for Board Executive Director, Deputy Executive Director, or General Counsel to:**
  - **Extend Licensure for Alien Licensees Awaiting United States Immigration and Naturalization Service Employment Authorization Extension, Alien Registration Card Extension, or H1-B Visa Extension Under Specific Circumstances**
  - **Administratively Approve Reinstatements and Changes of Licensure Status with Approval of Secretary-Treasurer**

Dr. Buchwald moved to authorize the Executive Director or Deputy Executive Director to extend licensure for alien licensees awaiting United States Immigration and Naturalization Service Employment Authorization extension, Alien Registration Card extension, or H1-B Visa extension under the specific circumstance where timely application has been made by the physician to the Immigration and Naturalization Service. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to authorize the Executive Director, General Counsel, and Secretary-Treasurer to administratively approve reinstatements of licensure and changes of licensure status and report the same to the board for ratification at the next board meeting after such administrative approval in the same manner as initial licensure applicants are processed. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Consideration of Proposed Enhancements to Board's Web Site - [www.state.nv.us/medical/](http://www.state.nv.us/medical/)**

Mr. Lessly advised that Mrs. Lyons will soon begin work on creating a disciplinary information search component for the board's Web site, by which information on public formal disciplinary action taken by the board on its licensees since 1990 can be obtained and downloaded.

- **Written Reports and Requests - Member and Staff Attendance at Workshops, Meetings and/or Training Sessions**

Mr. Lessly congratulated Mrs. Knopf on receiving the Supervisory Management Certificate from the course the board authorized and she successfully completed at the University of Nevada in Reno.

- **Informational Items**

Mr. Lessly advised that beginning Monday, June 5, 2000, due to their work load, the board's license specialists will take phone calls daily from 8:00am until 12:00pm, only, so that they may spend afternoons concentrating on pending licensure files.

Mr. Lessly advised that the board will institute an in-state toll free telephone number and terminate the current toll-free number local to the Las Vegas area.

**AGENDA ITEM 10**  
**Reports** (CONTINUED)

- Report on Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting - Arne D. Rosencrantz, President and Delegate
- Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
  - Consideration of Continuation, Modification or Termination of Contract with Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Susan M. Morgan, P.A.-C, Committee Representative
- Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel N. Lubritz, M.D., Board Representatives to Task Force
- **Report on Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting - Arne D. Rosencrantz, President and Delegate**

Mr. Rosencrantz directed that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000.

- **Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel N. Lubritz, M.D., Board Representatives to Task Force**

Mr. Rosencrantz directed that this matter be placed on the agenda of the special board meeting to be scheduled for sometime during the latter part of June 2000.

**AGENDA ITEM 21**  
**Matters for Future Agenda**

There was no discussion under this agenda item.

**AGENDA ITEM 22**  
**Public Comment**

There was no public comment.

**ADJOURNMENT**

Mr. Rosencrantz adjourned the meeting at 6:10 p.m.